

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE FORM PTO-1390 (REV 7-05)		ATTORNEY'S DOCKET NUMBER 047956/306612 U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.801) 07567508 Not Yet Assigned
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		
INTERNATIONAL APPLICATION NO. PCT/US2004/025682	INTERNATIONAL FILING DATE August 9, 2004	PRIORITY DATE CLAIMED August 7, 2003
TITLE OF INVENTION THERAPEUTIC MEDICAL APPLIANCE, DELIVERY AND METHOD OF USE		
APPLICANT(S) FOR DO/EO/US Alveolus, Inc.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). This submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). </p> <p>6. <input type="checkbox"/> A English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ul style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). </p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ul style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. </p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
Items 11. To 20. below concern document(s) or information included:		
<p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A FIRST preliminary amendment. <ul style="list-style-type: none"> <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. </p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input checked="" type="checkbox"/> Other items or information: <ul style="list-style-type: none"> 1) Copy of Form PCT/ISA/210 International Search Report 2) Copy of Form PCT/ISA/237 Written Opinion of the International Searching Authority </p>		

U.S. APPLICATION NO. (If known, see 37 CFR 1.50) 60/493,402	INTERNATIONAL APPLICATION NO. .PCT/US2004/025682	ATTORNEY'S DOCKET NUMBER 047956/306612	
<input checked="" type="checkbox"/> The following fees have been submitted:			
21. <input checked="" type="checkbox"/> Basic national fee \$300 22. <input checked="" type="checkbox"/> Examination fee 200 (If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1-4) \$ 0 All other situations \$200			
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) 100 If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$ 0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB \$400 All other situations \$500			
TOTAL OF 21, 22 and 23 =			
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing filed in an electronic medium) (37 CFR 1.492(j)) The fee is \$250.00 for each additional 50 sheets of paper or fraction thereof.			
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	
39- 100 =	/50= 0	x \$250	\$
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration later the date of commencement of the national stage (37 CFR 1.492(h)).			\$
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total Claims	87	-20 = 67	X \$ 50.00
Independent Claims	7	- 3 = 4	X \$200.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00
TOTAL OF ABOVE CALCULATIONS			\$ 4750.00
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.			\$ 2350.00
SUBTOTAL			\$ 2375.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).			\$
TOTAL NATIONAL FEE			\$ 2375.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +			\$
TOTAL FEES ENCLOSED			\$ 2375.00
			Amount to be Refunded \$
			Amount to be Charged \$
a. <input type="checkbox"/> A check in the amount of \$ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 50-2764 in the amount of \$2375.00 to cover the above fees. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-2764.			
Note: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.			
SEND ALL CORRESPONDENCE TO: Gregory J. Canin		"Express Mail" Mailing Label Number EV 521115271 US Date of Deposit: January 19, 2006	
SIGNATURE  REGISTRATION NUMBER 45,607 ALSTON & BIRD LLP Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Charlotte Office (704) 444-1000 Fax Charlotte Office (704) 444-1111 Customer Number 000037305		I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PCT, Attn: DO/US PTO) Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  Lisa Rone	